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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 KEVIN LEE ESTES,

10 Plaintiff,

11 v.

12 WASHINGTON STATE DEPARTMENT OF
13 CORRECTIONS, *et al.*,

14 Defendants.

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16 No. 08-5749 FDB

17 ORDER ADOPTING REPORT AND
18 RECOMMENDATION DISMISSING
19 ACTION WITHOUT PREJUDICE

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21 The Magistrate Judge recommends that this prisoner civil rights action be dismissed for
22 failure to exhaust administrative remedies. As detailed by the Magistrate Judge, the record
23 shows definitively that Plaintiff failed to exhaust the grievance procedures prior to commencing
24 this action.

25 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
26 Richard Creature, objections to the Report and Recommendation, and the remaining record, does
hereby find and ORDER:

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28 (1) The Court adopts the Report and Recommendation;
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30 (2) The motion to dismiss this action is **GRANTED**. This action is **DISMISSED**
31 **WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

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33 ORDER ADOPTING REPORT AND RECOMMENDATION- 1

(3) The Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. J. Richard Creature.

DATED this 9th day of June, 2009.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE